

REMARKS

In the Office Action, the Examiner noted that claims 1-22 are pending in the application and that claims 1-22 stand rejected. All claims continue unamended by this response.

In view of the following discussion and the terminal disclaimers submitted herewith, the Applicant respectfully submits that none of these claims are subject to a non-statutory Double Patenting rejection. Thus the Applicant believes that all of these claims are now in allowable form.

Claim Objection

The Examiner objected to the Applicant's claim 1 as not being clear how a selected video segment in a portion of the storage medium can be modified without reading the selected video segment from the storage medium.

The Applicant would like to point out to the Examiner that in the Specification the Applicant specifically recites:

"In accordance with the inventive arrangements, a user may alter the playback speed of video containing field pictures that has already been recorded onto a storage medium. If the user desires to edit the recorded video to produce slow motion video, then one or more pictures may be inserted into the video to create such an effect. The altered video can then be recorded onto the storage medium in the same space previously occupied by the original video. If the user desires to create fast-forward video, then one or more pictures may be removed from the recorded video. Similar to the slow motion editing process, the video can be recorded in the original video's medium space." (See Specification, page 12, lines 1-12).

As evident from at least the portion of the Applicant's Specification presented above, in the invention of the Applicant if a user desires to edit recorded video one or more pictures may be inserted into the recorded video or one or more pictures may be removed from the recorded video. The Applicant would like to point out to the Examiner that such a process would not necessarily require reading the selected video segment as suggested by the Examiner. For example, in one embodiment of the present invention, a process can include removing every third I-picture from a selected video segment using, for example, a search algorithm and as such the selected segment would not have to be read in the traditional sense as

suggested by the Examiner. Instead, the selected video segment may just be searched for the identification of the I-pictures. In addition, the Applicant respectfully submits that the definition of "modifying said selected video segment for a changed playback speed" as claimed in at least the Applicant's independent claims is thoroughly and expressly defined in the Applicant's Specification and that such a modifying step can include scanning for specific pictures in a selected video segment or reading at least a portion of a selected video segment to perform the modifying step. For example, the Applicant in the Specification specifically recites:

"Referring to FIG. 3A, a flowchart 300 illustrates how slow motion editing can be performed on video containing field pictures. FIGS. 3B through 3H illustrate an example of this slow motion editing process. In particular, FIGS. 3B through 3H demonstrate how a single conventional GOP can be altered to produce a one-half playback speed; however, it should be noted that the invention is not so limited, as any portion of video may be changed to playback at any speed slower than normal playback.

Beginning at step 310 in FIG. 3A, the device 100 can begin to read data from the storage medium. FIG. 3B shows the form of a conventional GOP containing field pictures prior to being edited. In step 312, the demultiplexer 176 of FIG. 1 can separate the video components of the recorded video signal from the non-video components and can discard the non-video components. Examples of non-video components include A_PCK's 40 and SP_PCK's 42. The NV_PCK's 38, however, can be left in the video signal being edited since, in accordance with DVD standards, each VOB 36 is required to have an NV_PCK 38. The non-video components can then be discarded."

That is, as evident from at least the portion of the Applicant's disclosure presented above describing an embodiment of slow motion editing of the invention of the Applicant, the editing or modifying process includes, in that embodiment, reading data from the storage medium. As such, the Applicant respectfully submits that a separate reading step need not be included in claim 1 as suggested by the Examiner.

Even further, the Applicant would like to point out to the Examiner that in claim 1 of issued U.S. Patent No. 6,714,721 cited by the Examiner, the first step of claim 1 recites "modifying said selected video segment for a changed playback speed" as in the first step of claim 1 in the present Application. Therefore, the Applicant submits that the first step of claim 1 of the present invention is also patentable as is, including the first step of modifying and no reading step.

As such and for at least the reasons recited above, the Applicant submits that claim 1 is in condition for allowance. Therefore the Applicant respectfully requests that the Examiner's objection to claim 1 be withdrawn.

Double Patenting

A. Judicially created obviousness type double patenting

The Examiner rejected claims 1-22 under the Judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,714,721 in view of Phillips et al. (US 6,871,003, hereinafter "Phillips"). The Examiner stated that the claims are not identical, but they are not patentably distinct from each other.

The Applicant respectfully disagrees and believes that each application is unobvious in view of the other, however, to further the prosecution of the present case, the Applicant is submitting herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). In addition, the Applicant respectfully submits that Phillips, alone, fails to teach, suggest or make obvious the invention of the Applicant with respect to claims 1-22. As such, the Applicant submits that the basis for the Examiner's rejection of the Applicant's claims under the Judicially created doctrine of obviousness type double patenting has been removed. As such, the Applicant respectfully requests that the Examiner's rejection of the Applicant's claims 1-22 be withdrawn.

B. Judicially created obviousness type double patenting

The Examiner rejected claims 1-22 under the Judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-26 of copending Application No. 09/883/635 in view of Phillips.

The Applicant respectfully disagrees and believes that each application is unobvious in view of the other, however, to further the prosecution of the present case, the Applicant is submitting herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). In addition, and as recited above, the Applicant respectfully submits that Phillips, alone, fails to teach, suggest or make obvious the

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invention of the Applicant with respect to claims 1-22. As such, the Applicant submits that the basis for the Examiner's rejection of the Applicant's claims under the Judicially created doctrine of obviousness type double patenting has been removed. As such, the Applicant respectfully requests that the Examiner's rejection of the Applicant's claims 1-22 be withdrawn.

Conclusion

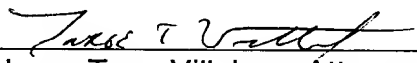
The Applicant respectfully submits that, at least because of the timely filed terminal disclaimers submitted herewith, none of the claims presently in the application, are subject to rejection under the Judicially created, non-statutory Double Patenting doctrine. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

The Terminal Disclaimer fee 37 CFR 1.20(d) is included herewith. It is believed that no additional fees or charges are currently due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,
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